

### **REMARKS**

Claims 1, 2 and 4-15 are pending in the application. Claims 8 and 13 are withdrawn from consideration. No new matters were added.

### **REJECTIONS**

The Examiner has improperly rejected Claim 6 under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has amended Claim 1 to incorporate the features of Claim 6 and included the full term "overdoped" for the acronym "OD" therefore rendering the rejection moot.

The overlap between the electrode plate and the isolation region increases the area of the capacitor because the electrode plate covers the OD sidewall surrounding the STI which has been etched to a lower step height than the sidewall. This can be seen in 2C-3B and disclosed specifically in paragraph 0033 of the application..

Claims 1-2, 4, 5, 7, 9-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (AAPA) of this application in combination with Afgabi et al. (U.S. Publication 2003/0095427).

Claim 1 has been amended to include the features of original Claims 6, which has been cancelled.

**Attorney Docket #: N1085-00209**  
**Application Serial No.: 10/827,389**  
**Amendment dated January 24, 2006**

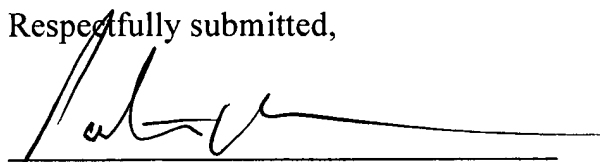
Neither AAPA or Afgabi disclose a shallow trench isolation, STI, insulator having a reduced step height below that of an overdoped OD sidewall of a substrate insulator; and, a capacitor plate covering the STI insulator and the overdoped OD sidewall" as recited in amended Claim 1 and therefore cannot render Claim 1 unpatentable.

Therefore, the rejection is improper and must be withdrawn. Similarly as the remaining dependent Claims depend from amended claim 1, their rejections are similarly improper irrespective of the additional patentable features recited therein.

If the Examiner has any questions relating to this response or the application in general she is respectfully requested to contact the undersigned so that prosecution may be expedited.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. **04-1679**.

Respectfully submitted,



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